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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/352,661	07/07/1999	CHUK DAVID CHAN		2561
7590	05/13/2004		EXAMINER	
C. David Chan 11 Westview Avenue North Salem, NY 10560			HO, TUAN V	
			ART UNIT	PAPER NUMBER
			2612	
			DATE MAILED: 05/13/2004	38

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/352,661	CHAN, CHUK DAVID	
	Examiner TUAN HO	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 23 February 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,4,8,9,12,13,15,22,23 and 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,4,8,9,12,13,15,22,23 and 26 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. The amendment filed 2/23/04 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: the section added to the specification between lines 21 and 22 introduces new matter because the original specification never discloses "support surface, such as a windshield...from capturing events".

Applicant is required to cancel the new matter in the reply to this Office Action.

2. Applicant's arguments, see Paper No. 37, filed 2/23/04, with respect to the rejection(s) of claim(s) 1, 4, 8, 9, 12, 13, 15, 22, 23 under Dennis, Jr., Toyoda et al and Rayner have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Dunton et al (US 6,556,242).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter

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sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, 8, 9, 12, 13, 15, 22, 23, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rayner in view of Dunton et al.

It is noted that the information, cited in this rejection, has been verified with respect to parent's case 09/020,700 filed 2/9/1998.

With regard to claims 1, Rayner discloses in Fig. 3, a vehicle data recorder converting image data into a digital form by A/D converter 30, that comprises the means for continuously capturing an actual scene (video camera 22 comprises an image sensor that converts image scene into video signals, col. 3, line 41), means for buffering up a plurality of captured visual scene (DRAM 38 is a continuous-loop buffer that records a scene in the manner of first-in-first-out so as to hold a plurality of visual scenes continuously, col. 4, line 10-21), persistent storage for preserving buffered scenes (DRAM 38 is coupled to and permanent memory 56; where the memories are used as to preserve a buffered scene; where a circuit is used in DRAM 38 to record image data after the occurrence of the triggering event

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with a sufficient amount of data and to retain pre-event data without overwritten, col. 5, lines 15-22); and means for manually triggering a preservation of captured scene (panic button 58 is triggered by an operator, col. 5, lines 48; Rayner states that the pre-event is protected by a circuit that records scene data after the occurrence of triggering event with a sufficient amount so as not to overwrite the pre-event data, col. 5, lines 15-2), except that housing means displaceably mounted to an installation of a transportation system for protecting the buffered scenes from being destroyed by an environmental factor and configured to receive the means for continuously capturing, means for buffering and the persistent storage, the housing means being configured so that the digital incident recording apparatus is used for taking at least one manually made snap shot of a visual scene upon removing the housing means from the installation base.

Furthermore, Rayner discloses a camera system which is used in an automobile so as to record accident scene. In other words, the camera system must inherently include an installation housing attached to a surface of the automobile via a base so as to take pictures of the scene and protect the scene being destroyed by an accident impact.

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Rayner does not explicitly disclose a housing means that is detachable from a base attached on a surface of the vehicle so as to take a snap shot of a scene.

Official Notice is taken for a installation housing that is used to house a camera and is detachable so that the camera can operate when it is removed from the base.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the housing of Rayner so as to manually take a shot of a scene upon removing from a base and thereby to provide a greater convenience for a user to operate the camera off base and further, to provide more accurate images of a scene.

With regard to the manually made snap shot of a visual scene, furthermore, Dunton et al teaches using a video camera that can operate in two different modes such as a video mode and still video mode, col. 2, lines 25-57. It is advantageous to take a snap shot of a visual scene since the still image has a higher resolution than a video image thereby to improve the quality of the image taking operation.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the video camera of Rayner with the video camera of Dunton et al so as to obtain a video camera that operates in a video mode and

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a still mode. As the result, the video camera can manually take a snap shot when it is removed from the vehicle.

With regard to claim 4, Rayner discloses in Fig. 3, a vehicle data recorder converting image data into a digital form by A/D converter 30, that comprises the persistent storage for preserving buffered scene comprising a persistent storage unit permanent digital memory 56 is used to store scene data from DRAM 38 so preserve the scene data in memory cells. It is noted that the volatile DRAM has a continued power supply so as to retain the data in the memory and is a temporary memory medium without a power supply.

With regard to claim 8, claim 8 recites what was discussed with respect to claim 1. Noted that Rayner discloses DRAM 38 and permanent memory 56.

With regard to claim 9, Rayner discloses the same subject matter as discussed with respect to claim 1, except that the image capturing unit is used to capture scene of a forward view as well as a backward view.

Rayner discloses that two cameras 22 and 24 are used to record the scene. Official Notice is taken for a surveillance cameras that are installed at forward position and backward position so as to record forward scenes and backward scene including an operator.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the camera system Rayner so as to obtain cameras installed forward and backward direction in order to record the scene including the camera operator because the modification of the Rayner system would allow an investigator who obtain more details of an accident and thereby to provide a better investigation.

With regard to claim 12, Rayner discloses in Fig. 3, a vehicle data recorder converting image data into a digital form by A/D converter 30, that comprises the means for capturing sound wave (microphone 44, col. 4, line 28), means for buffering the sound wave (DRAM 38, col. 4, line 55), and means for preserving the buffered sound (col. 5, line 10-23 and col. 6, lines 19-40).

With regard to claim 13, claim 13 recites what was discussed with respect to claim 1; where the installation housing is inherently included a base so that the housing can be detached or attached to an inside surface of the vehicle.

With regard to claim 15, Rayner discloses CPU 34 which is used to control the camera system; were the CPU includes micro-processor, micro-controller and programmable logic circuit. However, Rayner does not explicitly disclose a DSP, PAL, EPLD,

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and FPGA. Official Notice is taken for a DSP, PAL, EPLD, or FPGA that is used for a controlling circuit.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the CPU of Rayner with a DSP, PAL, EPLD, or FPGA so as to control the camera system and thereby to provide more choices for controlling the system Rayner.

With regard to claim 22, Rayner discloses in Fig. 3, a vehicle data recorder converting image data into a digital form by A/D converter 30, that comprises the manual activation is a human induced triggering event (button 58 is activated by an operator, col. 5, line 47).

With regard to claim 23, Rayner discloses a microphone and G force sensors 40 and 42; where the sensors are used to detect physical impact, momentum and shock wave. Official Notice is taken for means for automatically triggering including software, firmware, and hardware, comprising programmable logic instruction that fire off a signal in response to an external signal and sudden change in sound wave amplitude.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the circuits for automatically triggering including software, firmware, and hardware, comprising programmable logic

instruction that fire off a signal in response to an external signal and sudden change in sound wave. This is because the incorporation of the detecting features would provide more accurate detecting methods for the Rayner system and thereby to provide more details of the accident to an investigation.

Method claim 26 corresponds to apparatus claim 1 and is analyzed the same with respect to apparatus claim 1.

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TUAN HO whose telephone number is (703) 305-4943. The examiner can normally be reached on Mon-Fri from 7AM to 4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WENDY GARBER, can be reached on (703) 305-4924. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.



TUAN HO

Primary Examiner

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